

Hopkins, Debbie

From: Shearouse, Daniel
Sent: Tuesday, December 17, 2019 3:17 PM
To: Hopkins, Debbie
Subject: FW: Bobby Stone v. State
Attachments: Stone. Bobby Wayne.2ND REPORT TO SUPREME CT.12-13-19.docx

Have you gotten a signed copy of this?

Dan

From: Keesley, William P.
Sent: Friday, December 13, 2019 10:40 AM
To: Shearouse, Daniel <DShearouse@sccourts.org>
Cc: Hannah Freedman <hannah@justice360sc.org>; Melody Brown <MBrown@scag.gov>; Sherrie Butterbaugh <SButterbaugh@scag.gov>; Charles Grose <charles@groselawfirm.com>; Keesley, William P. Law Clerk (Creasie Parrott) <wkeesleylc@sccourts.org>
Subject: RE: Bobby Stone v. State

Attached is a draft of the second status report concerning the matter assigned to me on the case of Bobby Wayne Stone vs. State. A signed, hard copy will be placed in the mail. Thank you. [wpk]

From: Keesley, William P.
Sent: Friday, August 23, 2019 11:22 AM
To: 'Sherrie Butterbaugh' <SButterbaugh@scag.gov>; Charles Grose <charles@groselawfirm.com>; Keesley, William P. Law Clerk (Creasie Parrott) <wkeesleylc@sccourts.org>
Cc: Hannah Freedman <hannah@justice360sc.org>; Melody Brown <MBrown@scag.gov>
Subject: RE: Bobby Stone v. State

A copy of the draft I intend to submit is attached. Thank you for your assistance. [wpk]

From: Sherrie Butterbaugh [<mailto:SButterbaugh@scag.gov>]
Sent: Friday, August 23, 2019 10:44 AM
To: Keesley, William P. <WKeesleyj@sccourts.org>; Charles Grose <charles@groselawfirm.com>; Keesley, William P. Law Clerk (Creasie Parrott) <wkeesleylc@sccourts.org>
Cc: Hannah Freedman <hannah@justice360sc.org>; Melody Brown <MBrown@scag.gov>
Subject: RE: Bobby Stone v. State

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Thank you, Judge Keesley. I will contact DDSN today and will keep everyone updated.

Sincerely,
Sherrie Butterbaugh



Sherrie Butterbaugh
Assistant Attorney General
SC Attorney General's Office
Rembert C. Dennis Bldg.
1000 Assembly St.
Columbia, SC 29201
Office: (803) 734.0128

From: Keesley, William P. [<mailto:WKeesleyj@sccourts.org>]
Sent: Friday, August 23, 2019 10:33 AM
To: Sherrie Butterbaugh; Charles Grose; Keesley, William P. Law Clerk (Creasie Parrott)
Cc: Hannah Freedman; Melody Brown
Subject: RE: Bobby Stone v. State

What you propose regarding contacting DDSN is what I want done, so please coordinate with Mr. Grose and Ms. Freedman. I do have to provide updates to the Supreme Court, so please keep me informed of your progress. Thank you. [wpk]

From: Sherrie Butterbaugh [<mailto:SButterbaugh@scag.gov>]
Sent: Friday, August 23, 2019 9:57 AM
To: Charles Grose <charles@groselawfirm.com>; Keesley, William P. <WKeesleyj@sccourts.org>; Keesley, William P. Law Clerk (Creasie Parrott) <wkeesleylc@sccourts.org>
Cc: Hannah Freedman <hannah@justice360sc.org>; Melody Brown <MBrown@scag.gov>
Subject: RE: Bobby Stone v. State

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Good morning, Judge Keesley:

I would like to first let all parties know Sam Bailey is no longer with our office. Melody Brown is now working on Mr. Stone's case and I have added her to this email so that everyone has her address.

Next, I would respectfully request time to contact DDSN prior to scheduling a hearing given the original intent for an independent clinical evaluation. There is a possibility the issue may be moot. If the examiner does not require answers to questions about the murder to make an ID determination, we could get an affidavit from DDSN to that effect which would alleviate your concerns and negate the need for a hearing.

Thank you for your consideration.

Sincerely,
Sherrie Butterbaugh



Sherrie Butterbaugh
Assistant Attorney General
SC Attorney General's Office
Rembert C. Dennis Bldg.
1000 Assembly St.
Columbia, SC 29201
Office: (803) 734.0128

From: Charles Grose [<mailto:charles@groselawfirm.com>]
Sent: Thursday, August 22, 2019 5:09 PM
To: Keesley, William P.; Keesley, William P. Law Clerk (Creasie Parrott)
Cc: Hannah Freedman; Sherrie Butterbaugh; Samuel Bailey
Subject: Re: Bobby Stone v. State

Dear Judge Keesley,

I apologize for the delay in responding to your email from last Thursday. I was preparing for the trial of a second-degree criminal sexual conduct with a minor case which started Monday and ended yesterday afternoon.

Hannah and I conferred, and we agree a hearing is necessary to resolve the two issues that your order from July 3 leaves unresolved: whether the DDSN expert may ask Mr. Stone about the facts of the offense; and whether counsel may be present for the DDSN examination. Given that the first issue involves a determination of the clinically appropriate standard, we anticipate presenting testimony of an expert witness.

Thank you for your attention to this matter. Please let us know if you have any questions or require additional information.

Best,
Charles

E. Charles Grose, Jr.
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
Phone: 864-538-4466
Fax: 864-538-4405
Web: GroseLawFirm.com
Email: charles@groselawfirm.com

From: "Keesley, William P." <WKeesleyj@sccourts.org>
Date: Thursday, August 15, 2019 at 11:32 AM
To: Charles Grose <charles@groselawfirm.com>, "Keesley, William P. Law Clerk (Creasie Parrott)" <wkeesleylc@sccourts.org>
Cc: Hannah Freedman <hannah@justice360sc.org>, Sherrie Butterbaugh <SButterbaugh@scag.gov>, Samuel Bailey <sbailey@scag.gov>
Subject: RE: Bobby Stone v. State

On July 3, I sent the email below. Part of it asked that the attorneys get in touch with my law clerk about an issue. You may have been able to resolve the issue without my involvement, but I want to make sure that I schedule whatever is needed for hearing or status conference. Please let me know if we need to be setting up something. Thank you. [wpk]

From: Keesley, William P.
Sent: Wednesday, July 3, 2019 4:54 PM
To: 'Charles Grose' <charles@groselawfirm.com>; Keesley, William P. Law Clerk (Creasie Parrott)

<wkeesleylc@sccourts.org>

Cc: 'Hannah Freedman' <hannah@justice360sc.org>; 'Sherrie Butterbaugh' <SButterbaugh@scag.gov>; 'Samuel Bailey' <sbailey@scag.gov>

Subject: RE: Bobby Stone v. State

The attached order is being mailed to Sumter for filing. Please follow up with my law clerk next week. Thank you. [wpk]

From: Keesley, William P.

Sent: Wednesday, July 3, 2019 4:07 PM

To: 'Charles Grose' <charles@groselawfirm.com>; Keesley, William P. Law Clerk (Creasia Parrott) <wkeesleylc@sccourts.org>

Cc: Hannah Freedman <hannah@justice360sc.org>; Sherrie Butterbaugh <SButterbaugh@scag.gov>; Samuel Bailey <sbailey@scag.gov>

Subject: RE: Bobby Stone v. State

Yesterday, I instructed my clerk to send a draft of an order related to the DDSN evaluation. After giving the matters raised in the earlier hearing more thought, I have some concerns related to the safeguards requested by Applicant's counsel at the DDSN interview. I am going to order the DDSN interview, but want to know whether there is any likelihood that the examiners would need to ask any questions about the events surrounding the murder in order to make an ID determination. I am struggling to understand why they would. Perhaps, I need to have a hearing, with the psychiatrist present and testifying why that might be necessary. Having re-evaluated the issue, I am inclined to order that they cannot. We then have the issue of whether counsel can be present in the interview. My inclination there is to determine that he may not, particularly if the questions about the events leading up to and following the murder are barred. Please get with my law clerk to determine when we might be able to discuss these things and schedule any hearings that are necessary. Perhaps, the report could be reviewed by the court prior to any distribution to the attorneys. I plan to issue an order, with these exceptions noted, and to email you a copy of what I forward to Sumter for filing. Thank you. [wpk]

From: Charles Grose [mailto:charles@groselawfirm.com]

Sent: Friday, May 31, 2019 4:21 PM

To: Keesley, William P. <WKeesleyj@sccourts.org>; Keesley, William P. Law Clerk (Creasia Parrott) <wkeesleylc@sccourts.org>

Cc: Hannah Freedman <hannah@justice360sc.org>; Sherrie Butterbaugh <SButterbaugh@scag.gov>; Samuel Bailey <sbailey@scag.gov>

Subject: Bobby Stone v. State

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Dear Judge Keesley,

Attached please find a copy of the proposed order we submitted to Judge Nettles regarding the DDSN evaluation. Of course, the October and November target dates would no longer be feasible.

Please let us know if you have any questions or require additional information.

Best,
Charles

E. Charles Grose, Jr.

The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
Phone: 864-538-4466
Fax: 864-538-4405
Web: GroseLawFirm.com
Email: charles@groselawfirm.com

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

STATE OF SOUTH CAROLINA  
COUNTY OF SUMTER

Bobby Wayne Stone, SK 5051  
Applicant,

v.

The State of South Carolina,  
Respondent.

IN THE COURT OF COMMON PLEAS  
THIRD JUDICIAL CIRCUIT

Case Number: 2018-CP-43-01025

SECOND 120-DAY REPORT TO THE  
SUPREME COURT  
OF SOUTH CAROLINA

This is the second status report on the matter assigned to this court by the Chief Justice. On May 9, 2019, the Chief Justice of the Supreme Court of South Carolina assigned this case to the undersigned judge and directed that a report be provided every 120 days concerning the progress of the case. At a hearing held in Sumter, South Carolina, the issue of substitution of counsel was addressed and, thereafter, an order was issued related to motions by both sides concerning the necessary evaluation of the mental status of the Applicant.

Some issues continued to be outstanding based on concerns of Applicant's counsel and counsel for the State and South Carolina Department of Disabilities and Special Needs (DDSN) about whether Applicant's counsel and the State's counsel are allowed to be present during the evaluation. Specifically, counsel for the Applicant expressed concerns about whether the examiners would be delving into facts of the underlying murder case. The court directed input about this issue from the examiners, which was received. Efforts were made by the attorneys to resolve their dispute, but they were unable to resolve all of the issues.

A hearing was held on December 13, 2019, in Lexington, South Carolina to address the outstanding subjects. The Applicant's position is that at least one of the Applicant's attorneys

should be present for the examination, even if there are no questions related to the underlying murder. The parties made their arguments and agreed on one critical point. The court intends to enter an order on the remaining issues, which are logistical, before the end of 2019.

RESPECTFULLY SUBMITTED this 13th day of December, 2019.

---

William P. Keesley, Presiding Judge  
by Special Assignment